

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

168Q0113

## SENATE BILL NO. 33

Introduced by: The Committee on Judiciary at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding permission to carry  
2 a concealed pistol.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23-7-8.7 be amended to read as follows:

5 23-7-8.7. The provisions of § 23-7-8.6 do not apply to:

6 (1) Records of firearms that have been used in committing any crime;

7 (2) Permits to carry a concealed pistol records relating to any person who has been  
8 convicted of a felony;

9 (3) Records of the serial numbers of firearms that have been reported stolen that are  
10 retained for a period not in excess of ten days after such firearms are recovered and  
11 returned to the lawful owner. However, official documentation recording the theft of  
12 a recovered weapon may be maintained no longer than the balance of the year entered  
13 and two additional years;

14 (4) Firearm records that must be retained by firearm dealers under federal law, including  
15 copies of such records transmitted to law enforcement agencies;



- (5) Any on duty law enforcement officer while conducting routine verification of the validity of a permit to carry a concealed pistol; ~~and~~
- (6) The secretary of state for the issuance of concealed pistol permits pursuant to chapter 23-7 and any access reasonably necessary to verify information with regard to specific permits individually; and
- (7) The preservation of the triplicate copy of the application for a permit to carry a concealed pistol by the authority issuing the permit as required by § 23-7-8.

Section 2. That § 23-7-7.1 be amended to read as follows:

23-7-7.1. A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant:

- (1) Is eighteen years of age or older;
- (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence;
- (3) Is not habitually in an intoxicated or drugged condition;
- (4) Has no history of violence;
- (5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent;
- (6) ~~Has been~~ physically resided in and is a resident of the county ~~or municipality~~ where the application is being made for at least thirty days preceding the date of the application;
- (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense;
- (8) Is a citizen of the United States; and

- 1       (9)    Is not a fugitive from justice.
- 2       A person denied a permit may appeal to the circuit court pursuant to chapter 1-26.